

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

In re JAMES D. ADAMS,

Case No. [16-cv-00917-YGR](#) (PR)

**ORDER OF DISMISSAL**

On February 24, 2016, this action was opened when the Court received from Plaintiff a completed civil rights complaint form and some attached exhibits.<sup>1</sup> Dkt. 1. The Court notes that Plaintiff had written the case number of his prior closed action, Case No. 12-6276 YGR (PR), on the complaint form. *See id.* at 1. Plaintiff had also written the words “Seeking to Reinstate the Original Pleadings 12/11/12”<sup>2</sup> under the title of the complaint form. *See id.*

However, in this action, the Clerk of the Court opened a new case file, sent out a notice that Plaintiff had not paid the filing fee or filed an *in forma pauperis* (“IFP”) application, and cautioned that the action would be dismissed if he did not pay the filing fee or submit his IFP application within twenty-eight days.

On March 7, 2016, Plaintiff submitted his IFP application. Dkt. 5.

Also on March 7, 2016, Plaintiff filed a document entitled, “Petition[] to Expediently Reinstate My Original Order to Waive Fees,” which was construed by the Clerk as a motion to expedite relief. Dkt. 4.

In light of Plaintiff’s indication that the complaint was to be filed in his prior action, Case No. 12-6276 YGR (PR), and his newly-filed request to “reinstate [his] original order to waive fees,” the Court finds that Plaintiff did not intended to commence a new action. Instead, Plaintiff had wished to file all the documents in the instant matter in his prior case, Case No. 12-6276 YGR

<sup>1</sup> On February 24, 2016, Plaintiff also completed a “Consent or Declination to Magistrate Judge Jurisdiction” form. Dkt. 2. The Court need not consider Plaintiff’s consent to magistrate judge jurisdiction because it will be dismissing this action, as explained below.

<sup>2</sup> The Court notes that Case No. 12-6276 YGR (PR) was opened on December 11, 2012.

(PR). Therefore, this action is DISMISSED as opened in error. No filing fee is due. The Clerk shall file all the documents filed in this matter (dks. 1, 2, 4, 5) as documents filed in Plaintiff's prior action, Case No. 12-6276 YGR (PR),<sup>3</sup> and close this file.

IT IS SO ORDERED.

Dated:

  
YVONNE GONZALEZ ROGERS  
United States District Judge

United States District Court  
Northern District of California

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<sup>3</sup> Once all the documents are filed in Plaintiff's prior action, Case No. 12-6276 YGR (PR), the Court will consider any requests to reopen that closed action in a separate written Order to be filed in Case No. 12-6276 YGR (PR).